

**MATTHEW W. BRISSENDEN, P.C.**  
**ATTORNEY AT LAW**

666 Old Country Road, Suite 501  
Garden City, New York 11530

516-683-8500, Fax: 516-683-8410  
[matthew.w.brissenden@gmail.com](mailto:matthew.w.brissenden@gmail.com)

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January 15, 2021

**Via ECF**

The Honorable Joseph F. Bianco  
United States Circuit Judge  
United States Court of Appeals for the Second Circuit  
1040 Federal Plaza  
Central Islip, New York 11722

Re: United States v. Kenner, 13-CR-607

Dear Judge Bianco,

This office has been appointed as standby counsel to assist Phillip Kenner in his capacity as a *pro se* litigant. Due to the current lockdown, Mr. Kenner informs me that he is unable to access his legal material or prepare submissions for the Court. In light of that, he has asked me to file the following request on his behalf:

“Kenner would like the court to review the 2011 GJ testimony of Michael Peca which he VERIFIED was TRUTHFUL during his 2015 testimony. He verified during his GJ testimony that he expected his 1.7[75] million LOC and 100,000 cash deposit to be sent to Jowdy for the Hawaii to Jowdy loan. That number exceeds the amount of loan money Jowdy received from the individuals in the Superseding Indictment -- covering more than the \$1.315 million that is traceable to the Capital account contributions of Sydor, Nolan, Peca, Berard and Rucchin (resulting in no net loss with the Little Isle 4 operations account fungible funds. Notwithstanding -- Sydor verified to the GJ during testimony that he also expected his Hawaii LOC capital account to be loaned to Jowdy). Other direct and signed authorizations and verifications are available upon request.”

The referenced grand jury testimony is attached hereto as Exhibit A.

Respectfully submitted,

/s/

Matthew W. Brissenden

cc: All Counsel (*via* ECF)  
Phillip Kenner